

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS MCGINNIST,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:14CV01276 SNLJ
)	
JAMES HURLEY,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Dennis McGinnist. I referred this matter to United States Magistrate Judge Abbie Crites-Leoni for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On July 25, 2017, Judge Crites-Leoni filed her recommendation that McGinnist's habeas petition should be dismissed.

No objections to Judge Bodenhausen's Report and Recommendation were filed. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Crites-Leoni and deny McGinnist's habeas petition for the reasons stated in the Report and Recommendation dated July 25, 2017.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox*

v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because McGinnist has not made such a showing in this case, I will not issue a certificate of appealability.

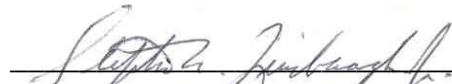
Accordingly,

IT IS HEREBY ORDERED that Judge Crites-Leoni's Report and Recommendation, #35, filed July 25, 2017 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus, #1, is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 1st day of September, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE